

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

CHARLESTON EMMANUEL ADAMS,

Defendant-Appellant.

UNPUBLISHED

January 10, 2012

No. 301165

St. Clair Circuit Court

LC No. 10-000985-FH

Before: MURRAY, P.J., and TALBOT and SERVITTO, JJ.

PER CURIAM.

Charleston Emmanuel Adams appeals as of right his jury trial conviction of aggravated stalking.¹ Adams was sentenced to one year in jail, but 90 days of his sentence was to be suspended once he completed a 16-week anger management program. We affirm.

This case arises out of contacts that Adams had with his daughter's mother, Tonia Williams. On appeal, Adams argues that there was insufficient evidence to support his conviction for aggravated stalking. Specifically, Adams contends that the prosecution failed to establish that he made "1 or more credible threats" to kill or physically harm Williams or her family.² We disagree.

A challenge to the sufficiency of the evidence is reviewed de novo on appeal.³ "In doing so, we must view all the evidence in the light most favorable to the prosecution and determine whether a rational trier of fact could find that the essential elements of the crimes were proven beyond a reasonable doubt."⁴

Stalking is a "willful course of conduct involving repeated or continuing harassment of another individual that would cause a reasonable person to feel terrorized, frightened,

¹ MCL 750.411i.

² MCL 750.411i(2)(c).

³ *People v Harrison*, 283 Mich App 374, 377; 768 NW2d 98 (2009).

⁴ *Id.* at 377-378.

intimidated, threatened, harassed, or molested and that actually causes the victim to feel terrorized, frightened, intimidated, threatened, harassed, or molested.”⁵ Conduct is harassment when it is “directed toward a victim and includes, but is not limited to, repeated or continuing unconsented contact that would cause a reasonable individual to suffer emotional distress and that actually causes the victim to suffer emotional distress.”⁶

Aggravated stalking occurs when “[t]he course of conduct includes the making of 1 or more credible threats against the victim, a member of the victim’s family, or another individual living in the same household as the victim.”⁷ “Credible threat” is defined as:

[A] threat to kill another individual or a threat to inflict physical injury upon another individual that is made in any manner or in any context that causes the individual hearing or receiving the threat to reasonably fear for his or her safety or the safety of another individual.⁸

In this instance, Adams made at least two credible threats to kill or physically injure Williams. Adams sent a text message to Williams threatening to injure or kill her if she went to the police. He also threatened to kill Williams, as well as her mother and sister, in voicemails that he left for her. Further, Adams went to Williams’ workplace and when asked to leave by the human resources director repeatedly stated that he would “be back with all of his people.”

The evidence supports that as a result of the threats, Williams feared for her safety. Williams testified that she was afraid because of Adams’ threatening messages. She also went to the police and provided them with the text messages and voicemail threats. Further, Williams testified that because she was afraid, she called the police when Adams came unannounced to her home. When Adams then came to her workplace, Williams immediately informed the human resources director, who called the police regarding Adams. Because Adams made one or more credible threats that caused Williams to reasonably fear for her safety, there is sufficient evidence to support Adams’ conviction for aggravated stalking.

Adams contends that his text message and voicemail threats from January and February 2010 were not credible as they would not cause a reasonable person to fear for her safety. This Court, however, will not interfere with the jury’s role in weighing the evidence and determining the credibility of witnesses.⁹ As such, his argument must fail.

⁵ MCL 750.411i(1)(e).

⁶ MCL 750.411i(1)(d).

⁷ MCL 750.411i(2)(c).

⁸ MCL 750.411i(1)(b).

⁹ *People v Wolfe*, 440 Mich 508, 514; 489 NW2d 748 (1992), amended on other grounds 441 Mich 1201 (1992).

Adams also asserts that there was insufficient evidence to support his conviction because he did not contact Williams after February 2010, as his posts on his Facebook wall were not unconsented contact.¹⁰ Adams' argument, however, is without merit as there is sufficient evidence to support his aggravated stalking conviction without considering his Facebook wall posts. Additionally, the fact that Adams stopped the prohibited behavior does not change the fact that he violated the statute.¹¹

Affirmed.

/s/ Christopher M. Murray

/s/ Michael J. Talbot

/s/ Deborah A. Servitto

¹⁰ MCL 750.411i(1)(f).

¹¹ MCL 750.411i.